

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ORIGINAL
20-CV-2071
BRODIE, J.
TISCIONE, M.J.

-----X
JOHN TRISVAN,

Plaintiff,

COMPLAINT

-against-

Index No. _____

Jury Trial: YES

KENTUCKY FRIED CHICKEN CORPORATION,
YUM BRANDS, INC.

Defendants.
-----X

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
★ MAY 04 2020 ★
BROOKLYN OFFICE

I. PARTIES IN THE COMPLAINT:

a.) PLAINTIFF:

Name: JOHN TRISVAN

Street Address: 378 Monroe Street

City and County: New York, New York

State and Zip Code: New York 10002.

b.) DEFENDANT:

Name: KENTUCKY FRIED CHICKEN CORPORATION

Street Address: 1441 Gardiner Lane

City and County: Jefferson, Louisville

State and Zip Code: Kentucky, 40213

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II. JURISDICTION:

- This is a civil action seeking judgment, relief, and damages by the above-named defendant of which their principal place of business resides in the state of Kentucky, of which this Court has diversity of citizenship and subject matter jurisdiction over this action pursuant to 28 U.S.C. 1331 and 28 U.S.C. 1332, in which Defendant infringed antitrust laws in violation of the Clayton Act, Sherman Act, and Magnuson-Moss Warranty Act granting this District Court federal question as well as subject matter jurisdiction.
- This court has jurisdiction due to this matter being a case involving Plaintiff and Defendant, who are of different states constituting complete diversity of citizenship. 28 U.S.C. 1331 also grants this Court jurisdiction to hear a civil action involving a question of law, in which this is a case in which Defendant has violated U.C.C. law.

III. FACTS:

- On the 3rd of May, 2017, Plaintiff John Trisvan, ordered from Kentucky Fried Chicken restaurant located at 495 Nostrand Avenue, Brooklyn, New York 11216, a meal, which consisted of 2 piece of chicken (leg and thigh); mashed potatoes; soft drink; and cookie.
- Once entering into the restaurant, Plaintiff observed that the establishment was dirty. The lighting conditions were dim, along with the seating arrangements being small, and not in good condition. The bathroom area was terrible. The door to the bathroom was broken, and could not be locked when using the bathroom. The interior of the bathroom was filthy and the lid of the toilet tank was cracked (split in two).
- Once Plaintiff received his meal from Defendant's establishment and consumed his meal, Plaintiff experienced pain in his mouth, lips, and tongue area consistent with the herpes simplex virus. There was a sensitive feeling on Plaintiff's lips and sores on his gums and tongue.

The following day, on May 4th, 2017, Plaintiff filed a complaint to Defendant [Reference No. 85ZG7] detailing the incident and events as it unfolded. On the 5th of May, 2017, Plaintiff received that morning informing Plaintiff that Defendants were in receipt of his complaint, stating that they will look into the matter urging Plaintiff to continue conducting business with them, which he did later on that day at 2:23 p.m.

Plaintiff went to a Kentucky Fried Chicken restaurant owned and operated by Defendant, located at 495 Nostrand Avenue, Brooklyn, New York 11216. Plaintiff ordered a meal, which consisted of an 8 piece chicken; 2 orders of mashed potatoes; cole slaw and biscuits. After Plaintiff received his take-out meal, he proceeded home to eat his meal.

After consuming the food, Plaintiff began to feel ill, suffering from nausea, upset stomach, and diarrhea.

On May 6, 2020, Plaintiff was admitted via emergency to Woodhull Hospital, in Brooklyn, New York, and was seen by Ricardo Sequeira, M.D., who confirmed, after several tests,, that Plaintiff had developed a viral infection due to the food he had consumed by Defendant.

Defendant Kentucky Fried Chicken Restaurants, Inc. is an American fast food restaurant chain headquartered in Louisville, Kentucky, that specializes in fried chicken. It is the world's second largest restaurant chain with an estimated 22,621 locations globally in 136 countries.

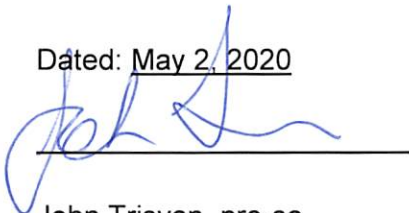
Defendant Yum! Brands, Inc., formerly known as Tricon Global Restaurants, Inc. was created on May 30, 1997 from PepsiCo's fast food division as the parent corporation of KFC, based in Louisville, Kentucky, it is one of the world's largest fast food restaurants companies in terms of system units. In 135 nations and territories worldwide, Defendant Yum! Brands, Inc. operated 43,617 restaurants.

- Through monopolistic anti-competitive behaviors Defendant Yum! Brands, Inc. acquired contracts and ownership of various corporations, who, unbeknownst to Plaintiff involved fraudulent activity violating antitrust law, which, as a result, Plaintiff, acting as consumer and in business suffered an injury in as in accordance to sections within the Sherman and Clayton Act, Plaintiff has a private of action to sue Defendants warranting remedy in federal law and Federal court jurisdiction.

Through Defendants' fraudulent activities proximate cause of action, Plaintiff was injured by such anti-competitive behavior breaching of contractual warranty of merchantability in violation of the Magnuson Moss Warranty Act.

WHEREFORE, PLAINTIFF JOHN TRISVAN OF GOOD FAITH MAKING REQUEST OF THIS FEDERAL DISTRICT COURT THAT GRANT PLAINTIFF RELIEF HOLDING DEFENDANTS KENTUCKY FRIED CHICKEN CORPORATION AND YUMS! BRANDS, INC. IN VIOLATION OF THE SHERMAN/CLAYTON ACT AND MAGNUSON MOSS WARRANTY ACT, AND AS A RESULT HELD LIABLE FOR INJURIES CAUSED TO PLAINTIFF JOHN TRISVAN, AND THAT PLAINTIFF BE GRANTED AND REWARDED \$250,000 U.S. DOLLARS THE SUM BEING OF AMOUNT OF CONTROVERSY, PUNITIVE AND COMPENSATORY DAMAGES ALONG WITH ANY OTHER FURTHER RELIEF THE COURT DEEMS APPROPRIATE....

Dated: May 2, 2020

A handwritten signature in blue ink, appearing to read 'John Trisvan', is written over a horizontal line.

John Trisvan, pro-se

378 Monroe Street

Brooklyn, New York 11221

Telephone Number: (718) 443-8052



10: Eastern District

of New York
Att: Clerk of Court Pro-Se

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from: John Jerslan

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